

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Fuquan Anthony Spells

Docket No. 5:07-CR-338-1BR

Petition for Action on Supervised Release

COMES NOW Linwood E. King, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of, Fuquan Anthony Spells, who, upon an earlier plea of guilty to Felon in Possession of a Firearm and Ammunition, in violation of 18 U.S.C. §§ 922(g)(1) and 924, was sentenced by the Honorable W. Earl Britt, Senior U.S. District Judge on June 2, 2008, to the custody of the Bureau of Prisons for a term of 78 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Fuquan Anthony Spells was released from custody on September 27, 2013, at which time the term of supervised release commenced.

On May 22, 2014, a Violation Report notified the court Spells was charged with misdemeanor Assault on a Female. This charge was ultimately dismissed.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On April 20, 2016, the defendant was charged with Driving While Impaired and Driving While License Revoked (16CR52442) in Johnston County, North Carolina, after officers pulled over his vehicle for a traffic stop. At the time of his arrest, he produced a B.A.C. of .09. These charges remain pending in Johnston County District Court. Additionally, the defendant tested positive for the use of cocaine on April 14, 2016. Spells ultimately admitted to this officer that he succumbed to urges of cocaine use, and he has requested assistance with substance abuse treatment. We have referred Spells to substance abuse treatment at Wilson Professional Services, Wilson, North Carolina, to begin substance treatment as appropriate. To address this recent behavior, and in an effort to deter this conduct in the future, we are recommending that Spells serve three active jail weekends.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons from 6:00 p.m. Friday until 6:00 a.m. Monday for a period of (3) weekends, commencing as directed by the Bureau of Prisons and the Probation Office. He shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/Michael C. Brittain
Michael C. Brittain
Senior U.S. Probation Officer

/s/Linwood E. King
Linwood E. King
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8682
Executed On: May 5, 2016

ORDER OF THE COURT

Considered and ordered this 9 day of May, 2016 and ordered filed and
made a part of the records in the above case.

W. Earl Britt
Senior U.S. District Judge

